

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 109 – HB 310**

April 10, 2023

**SUMMARY OF BILL:** Removes the requirement for a person charged with a misdemeanor or felony to petition the court to have the public records expunged when the outcome of the case meets certain criteria. Adds the circumstance of a verdict of not guilty being returned to the types of outcomes eligible for required expunction. Applies to public records in criminal cases for which a qualifying event occurs on or after July 1, 2023.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-32-101(a)(1)(A), all public records of a person who has been charged with a misdemeanor or a felony shall, upon petition by that person to the court having jurisdiction in the previous action, be removed and destroyed without cost to the person, if:
  - the charge has been dismissed;
  - a no true bill was returned by a grand jury; or
  - the person was arrested and released without being charged.
- The proposed legislation makes expungement statutorily required in these cases without the need for a petition and adds to the criteria the circumstance in which a verdict of not guilty is returned.
- Currently, pursuant to Tenn. Code Ann. § 40-32-101(a)(1)(F), if a verdict of not guilty is returned, the judge is required to ask the person acquitted if the person would like to have the public records expunged at no cost, and so order if the person agrees.
- If the person does not agree and decides to do so later, the person is required to petition the court.
- Pursuant to Tenn. Code Ann. § 8-21-401(d)(3), a court clerk may charge a fee up to \$100 for expunctions.
- It is assumed, however, that in almost all cases the acquitted chooses either to have the records expunged at no cost, or does not pursue the matter further.
- Therefore, changing the process from one in which the person, upon being asked by the judge, must agree to have the records expunged at no cost, to one in which the records are automatically expunged at no cost, is not estimated to result in a significant decrease in local revenue related to expunction petitions.
- Any fiscal impact to local government is therefore estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jj